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are some ten thousand cases cited, among them the late decisions down to the time of publication, and it is in this respect that the chief value of the work is found.

On the other hand the chief criticism is the same that may be made of so many of our modern legal text books. Their value lies almost entirely in their use as digests, the text part being made up of a succession of short and concise statements of the holdings of the courts in various cases referred to in the foot notes, all of which renders any literary style impossible. The manner in which legal text books are prepared and the rapidity with which they are ground out are of course largely responsible for this. The profession is quite well provided with digests, in view of which it would seem that a text book should give us something which is not supplied by the ordinary digest.

Judged by its contemporaries the work of Mr. Underhill will stand high, and it is safe to assert that it will be found by many a valuable addition to the literature upon the subject.

R. W. A.

GENERAL THEORY OF LAW. By N. M. Korkunov, Late Professor of Public Law, University of St. Petersburg. English Translation by W. G. Hastings, Dean of the Law Faculty, University of Nebraska. Boston: The Boston Book Company, 1909, pp. xiv, 524.

In its present form this book is of cosmopolitan origin. Written by a Russian professor, it was published in French as being the best book on Public Law available for use in the International Library of Public Law. In this form it came under the notice of Dean Hastings who secured the assistance of Mr. Felix Newton, a born Russian, to translate it from the original, the French version being used freely to aid the translators in their work.

In content the dependence of the author is mainly on the works of the Germans in "Rechtsphilosophie," though French writers on the subject are frequently quoted and the author seems to have more knowledge of what has been done in English than is usually evinced by the Continental writer on the subject.

The philosophic position of Professor Korkunov seems to be between that of the German metaphysical school and the English analytical jurists. He says, Introduction, p. 31, "neither the encyclopedic method which seeks a remedy for the excessively fragmentary condition of our science in a review, superficial it is true, of the whole of it in all its branches, nor the philosophic system which attempts to find the deepest source of the science in some *a priori* principles, have reached their object. * * * Consequently, the philosophy of law, the metaphysical science of absolute legal principles, is replaced little by little with a general theory of law, which has as its base positive and historic proofs. This tendency is very marked in England where it is known under the name of the analytical school."

But although he thus seems to identify his own "General Theory of Law" with the Analytical Jurisprudence of the Austinian School, his treatment of the subject bears more resemblance to that of the German metaphysician than

it does to the rigid analytical method made familiar to us by such English jurists as Austin and Holland.

Book I discusses Conceptions of Law. Book II, the Objective and Subjective Sides of Law. This is of course the German "objectives Recht" and "subjectives Recht," for which we fortunately have the more lucid terminology Law and Right. Book III, on the Social Conditions of Legal Development, presents and criticises the several theories of society and of the state. Book IV, on Positive Law, gives, in Chapter II, a short account of the sources of Russian Law, valuable to the English student of law because there is so little printed in English on the subject, and interesting to the student of present politics in Russia as indicative of the comparative freedom of scholarly discussion of problems of law and government even in this bureaucratic, censor-ridden country. This is the more remarkable as the book is written by one who has been a teacher in the Imperial Alexandrian Lyceum, a school established for the training of the sons of the Russian bureaucrats and reactionaries.

The work as a whole is open to the criticism usually leveled at philosophic efforts; namely, that they are predominantly destructive, but nevertheless the author presents in every chapter and section, after his critical discussion of the Teutonic theories, some suggestive and helpful observations of his own which will be a welcome addition to the discussion by our English jurists of the same fundamental concepts of law. One follows the analytical jurist with delight in the logic of the process till he gets to the conclusion and finds that some element has been analysed out of the concept which seems necessary in the practical application of it. On the other hand the metaphysical jurist is so likely to be fogged by his process that we cease to follow him to his conclusion. Professor Korkunov's method avoids the extreme of rigid definition by the substitution of description for definition of the fundamental concepts, and, on the other hand, he does not fly so high among metaphysical concepts as to get his feet entirely off the earth.

The translation seems to be a good one so far as may be judged by one not having the original before him, though the influence of the French edition may be noted in the use of the prefix "de" instead of the well known "von" of some of our Teutonic friends. Dean Hastings deserves our thanks for making the book accessible to English students.

J. H. D.